

1735 Highland Place, Apt. 25
Berkeley, Ca. 94709
July 31, 1971

Mr. Mark G. Zolhoff
Director, Legislative, Judicial, and
Diplomatic Records Division
National Archives and Records Service
Washington, D.C. 20408

Dear Mr. Edhoft:

The regulations concerning access to Archives held by the GSA provide that "Details of the use of records, except those made in the normal course of reference service, shall be made by the Deputy Archivist of the United States, in accordance with Section 105-60.403." (41 C.F.R. 105-61.102-2) The section referred to provides that "the denial reply will (1) briefly describe the record requested, (2) state the legal basis for nondisclosure ..., and (3) except in cases where the public interest so requires, specify the compelling reasons justifying the denial."

Since I may wish to pursue my requests further under the provisions of the Freedom of Information Act, I would like a reply meeting all of these requirements for each of the items listed below. In most cases, I have already made routine requests for these items. In each such case I refer to the last relevant letter in our correspondence; the previous letters referred to there generally provide more information.

1. Commission Document 653.
2. The withheld part of the Office of Naval Intelligence file on Oswald. (According to your letter of November 24, 1967, this consists of 37 pages.)
3. The FBI memorandum of September 14, 1964, which was an enclosure to Mr. Hoover's letter of September 21 (CE 3146). (Your letter of July 19, 1971.)
4. The original photograph which was introduced into evidence as Cdm DE 1. (Your letter of June 26, 1969.)
5. SS 773, Mr. Rowley's letter of January 6, 1964 to Mr. Rankin, concerning the Secret Service files. (Your letters of February 5, 1971 and January 26, 1970.)
6. The "public file" on Oswald of the House Committee on Un-American Activities, referred to in Chairman Willis' letter of February 3, 1964. (Your letter of April 30, 1969.)
7. CD 365, pages 36-41. (Your letter of June 28, 1971. The Louisiana DRS declined to release these pages to me.)
8. Mr. Rankin's letter of March 26, 1964, to Mr. Hoover, relating to the FCC and other organizations. (Your letter of June 16, 1970.)
9. Inventory Entry 3, the register of letters received by the Commission.
10. The unedited testimony of Mrs. John F. Kennedy.
11. That part of the transcript of the Executive Session of January 27, 1964, dealing with Item II on the agenda, "Allegations regarding Oswald as an undercover agent."

Items 1 and 2 have been withheld under the Guidelines at the request of the agency of origin. I am making this request to clarify the status of the

Guidelines under the law, and of these items as records of the Archives. Items 3 through 5 have been searched for but not located in relevant files of the Commission. This does not necessarily mean that they are not in your custody; there is no question that they were records of the Commission. (Item 4, however, was returned to the CIA for pre-publication re-consultation, and the original exhibit may not have been returned.) As far as I know, they would not be withheld if they were located. I believe that they meet the legal requirement of being identifiable records of the National Archives.

I understand that your policy is to defer to the agency of paramount interest in cases involving withholding of records that did not originate within the Commission. That is provided for by the Attorney General's memo of June 1967, which however also notes that "every effort should be made to avoid encumbering the applicant's path with procedural obstacles" when such problems as multi-agency interest arise. I feel that I should not have to file the often more expensive and time-consuming requests with the agencies or attempt in cases of mislaid records.

Item 6 similarly could not be found. Here, however, the material came from a source that is not an agency of the Executive branch and thus is not subject to a request under the Freedom of Information Act. Item 7 is withheld at the request of such a non-subject agency. (I see that the regulations provide for withholding at the request of the source, but it is not clear how the law itself allows this.) I feel that I am entitled to request these items as records of the Archives.

Items 8 through 11 are documents that originated within the Warren Commission. According to the letter of August 17, 1966 from Mr. Rosencraft of the Justice Department to Dr. Bahner, you have the same jurisdiction over access to such material as the Commission did while it was in existence. I further note that according to the Attorney General's memo of April 13, 1965, to Judge George Bandy, "the Commission did not desire to restrict access to any of its working papers except those classified by other agencies." Since I plan to appeal any denials of these items, I need to know if they are withheld at the request of some other agency.

I understand that the preparation of a considered response to this letter may take some time. While I would like a reply as soon as feasible, please give priority to my ordinary requests for Commission records.

Sincerely yours,
Paul L. Hoch

Paul L. Hoch

8/4/71

Dear Paul,

Relet 7/30, I wrote you and Sylvia after reading again her N of O piece on the Texas correspondence asking for copies. She didn't have. I do not recall that you replied. Because I never get answered for months, when HR was here I asked him to get me what he could. The things he got are in the longrr list I sent. I tehn checked file when I was there, found in i what they didn't ell him about, didn't send him, and I ordered 7/24, with no response since. If and when that order gets here, those are the only pages I have. I recall you did tell me it is in the library microfilm, but I also want to establish what should be in the Archives. Do we know that the mirco is complete? And, without having had time to organize that printout it is cheaper to buy these few pages than waste all the time it would take to find even if I have it. Time presses more heavily on me than I think you can realize. I hate to waste any and much is wasted for me by things and those over which and whom I have no control.

On CDL108, I ordered only the five pages in GA 2 Texas, ~~boxes~~ 10-11;26-8. Is there anything else of value or potential value in that CD? You speak of the file we have. You now have a list of what I have or have ordered. What else do "we" have?

I am aware of the interpretation of the AG's memo but do not regard it as either binding or trustworthy and as serving selfish prosecutive interests, which are pretty much the same regardless of how red or blue the jellyfish blood. By now the error in parts, i.e. ~~Address~~ "does not permit", has been established by my 7-8-70, which forced Mitchell to interpret as discretionary power only. There are other requirements of availability, such as in pre-trial discovery proceedings. It is not alone Jacks, the only authority cited. I think you are in error in deciding that the question as it relates to Oswald is "academic". That is more likely to be the case with physics than with the law. LHO would or would not have had access, and if he would the requirement of the law is met. I think that there is no doubt that he would, the nature of the case perhaps imposing political tests atop the legal.

I have sent you everything I have of the past and which I just got that I didn't have re Pedro Charles. Anything else intrrests me, esp. the lab work, which should have been done to begin with the frame being that obvious. It should have begun with the letter sent to Irving. I'll ask for CD897:311-2 when I ask for anything again, but with the special delayed-regurgitation memory hole they have for me, I know that unless something happens, it will take months. I'll let you know if I do. meanwhile, should you order anything, would you please get these in two for me? In two weeks my last hasn't come 50 miles. And it was all in one identified folder, the only reason I didn't get it earlier being that the xerox was "broken" when I was there!...Rush: I think all I meant was phone to remind, but if you can't, okay. I have sent you my nudge to TK. I had the entire film as it exists. Remember, you went back and questioned him for me after Turner fucked that up? The question is of stills, to whom he gave what when and who printed, etc. He probably doesn't know who edited out what is missing, but he did provide prints of some of those frames.

I don't think you meant "not bottle up your undertable frustration". I have it bottled and unless it explodes, so it will remain. But we just can't survive this and if I should explode, it will be memorable! If your reaction was mainly surprised you have made too complete an adjustment to the permeating amorality and immorality of some of "ours". Cook knew better from his review of FRAME-UP alone. And he has done other contemporaneous writing of similar stench given me by a TV reporter. In that he even used my chapter titles as sub-heads. He also had an ego-eating past on this subject...The piece by SH was for Texas Observer and depended on simultaneous appearance of some of Belin's vomit. It is on Jarman and lies. I saw a draft and suggested some changes. She is away through this month. Had a card today.

Your 7/31 to Eckhoff is excellent if it is for purposes of making a record only. Once that is done, we should be careful to avoid duplication. You know where I've been proceeding. On 2, regardless of what they have said, on some pp. violation privacy will apply. h., it is too bad you added the gruffity of answering for them, unless you had some special purpose in mind. I would have been better for them to have claimed this and then for you to have

asked for a copy from another file/. 5. Reread that business of agency of paramount interest. Arch has obligation to refer and agency to which referred has obligation to regard as if it had been addressed to them to begin with. 6 is an item for which you might want to proceed under FOI and other law you will find in the memo Jim is to send you, I think 5 U.S.C.555. 7 is not an exemption that can be claimed under 5 U.S.C.552 and the guidelines cannot override the law. The only out I can conceive is if this La file was collected for law-enforcement purposes. If that is the case, which I doubt, then it can be argued the inv. file exemption binds. I made a request for appts of 9 in mid-1966 and was rejected. I didn't then feel it would be wise to carry it forward. I think this situation has been changed by time. I think in carrying this further, you should seek to learn if it is in her Manchester tapes. There is but one aspect that interests me, the testimony on the wounds and wounding, etc. You might next time consider adding Bobby's interpretation of Warren to Wozencraft. I think that adds to the doctrine. Also, Arch regs require that exemptions be waived except in the presence of compelling reasons. Thought I'd referred you to this in their own regs.

Every once in a while I remember I have a separate file of Arch Corres, Others'. I have in this case remembered and filed there should we discuss further.

Nothing else really new, and none of letters of which you have copies answered.

Until you or I hear from JNS, I'm not carboning him.

Best,